

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 BRIAN S. TURNER, State Bar No. 108991  
Deputy Attorney General  
4 1300 I Street, Suite 125  
P.O. Box 944255  
5 Sacramento, CA 94244-2550  
Telephone: (916) 445-0603  
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8  
9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2009-224*

13 BRADLEY MICHAEL SIDWELL  
2773 Curtis Way  
14 Sacramento, California 95818

**A C C U S A T I O N**

15 Registered Nurse License No. 538040  
Public Health Nurse License No. 58493

16  
17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
22 ("Board"), Department of Consumer Affairs.

23 2. On or about October 24, 1997, the Board issued Registered Nurse License  
24 Number 538040 to Bradley Michael Sidwell. On or about December 29, 1997 the Board issued  
25 Public Health Nurse License Number 58493 to Bradley Michael Sidwell ("Respondent").  
26 Respondent's registered and public health nurse licenses were in full force and effect at all times  
27 relevant to the charges brought herein and will expire on July 31, 2009, unless renewed.

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

3. Business and Professions Code (“Code”) section 2750 provides, in

4. Code section 2764 provides, in pertinent part, that the expiration of a

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse

(a) Unprofessional conduct, which includes, but is not limited to, the

(1) Incompetence, or gross negligence in carrying out usual certified or

6. California Code of Regulations, title 16, section (“Regulation”) 1442

As used in Section 2761 of the code, 'gross negligence' includes an

7. Regulation 1443 states:

As used in Section 2761 of the code, "incompetence" means the lack of

///

1 **COST RECOVERY**

2 8. Code section 125.3 provides, in pertinent part, that the Board may request  
3 the administrative law judge to direct a licensee found to have committed a violation or  
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Incompetence)**

8 9. Respondent is subject to disciplinary action pursuant to Code section  
9 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about February  
10 25, 2008, while employed as a flight nurse by CALSTAR, California Shock/Trauma Air Rescue,  
11 McClellan, California (hereinafter "CALSTAR"), Respondent was incompetent within the  
12 meaning of Regulation 1443 in providing care to patient Q. J., a 48 year old male, as follows:

13 a. Respondent failed to follow standardized procedures for endotracheal  
14 intubation. Respondent should have used a secondary device, such as a colorimetric end-tidal  
15 CO2 detector, to confirm placement of the endotracheal tube and to rule out esophageal  
16 intubation.

17 b. Respondent conferred and agreed with flight nurse T. E. Z. to proceed with  
18 a surgical cricothyrotomy<sup>1</sup> on patient Q. J. when the procedure was contraindicated. At the time  
19 Respondent conferred and agreed with T.E.Z, patient Q. J. was successfully ventilated and  
20 oxygenated through another method (bag valve mask).

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Gross Negligence)**

23 10. Respondent is subject to disciplinary action pursuant to Code section  
24 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about February  
25 25, 2008, while employed as a flight nurse by CALSTAR, Respondent was grossly negligent  
26 within the meaning of Regulation 1442 in the care of patient Q. J. Respondent attempted to use a

---

27  
28 1. A surgical cricothyrotomy is used to allow rapid entrance to the airway for temporary  
ventilation and oxygenation via the intentional opening of the cricoid membrane.

1 Combitube to ventilate patient Q. J. after the surgical cricothyrotomy. Respondent knew, or  
2 should have known, that insertion of the Combitube into patient Q. J.'s esophagus would allow  
3 air to leak out of the cricothyrotomy incision, preventing and/or interfering with the ventilation of  
4 patient Q. J.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct)**

7 11. Respondent is subject to disciplinary action pursuant to Code section  
8 2761, subdivision (a), in that on or about February 25, 2008, while employed as a flight nurse by  
9 CALSTAR, Respondent committed acts constituting unprofessional conduct, as set forth in  
10 paragraphs 9 and 10 above.

11 **PRAYER**

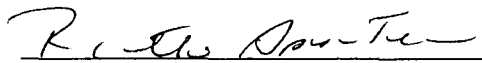
12 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
13 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

14 1. Revoking or suspending Registered Nurse License Number 538040, issued  
15 to Bradley Michael Sidwell;

16 2. Ordering Bradley Michael Sidwell to pay the Board of Registered Nursing  
17 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
18 Professions Code section 125.3;

19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: 3/23/09.

21  
22   
23 RUTH ANN TERRY, M.P.H., R.N.  
24 Executive Officer  
25 Board of Registered Nursing  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant